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10/737,048	12/16/2003	Douglas G. Seymour	03-2-315	7677

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EXAMINER
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STERLING, AMY JO

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3632

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/737,048  
Filing Date: December 16, 2003  
Appellant(s): SEYMOUR ET AL.

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William H. McNeill  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 4/10/09 appealing from the Office  
action mailed 2/3/09

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

### (7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

### (8) Evidence Relied Upon

4,490,576

BOLANTE ET AL.

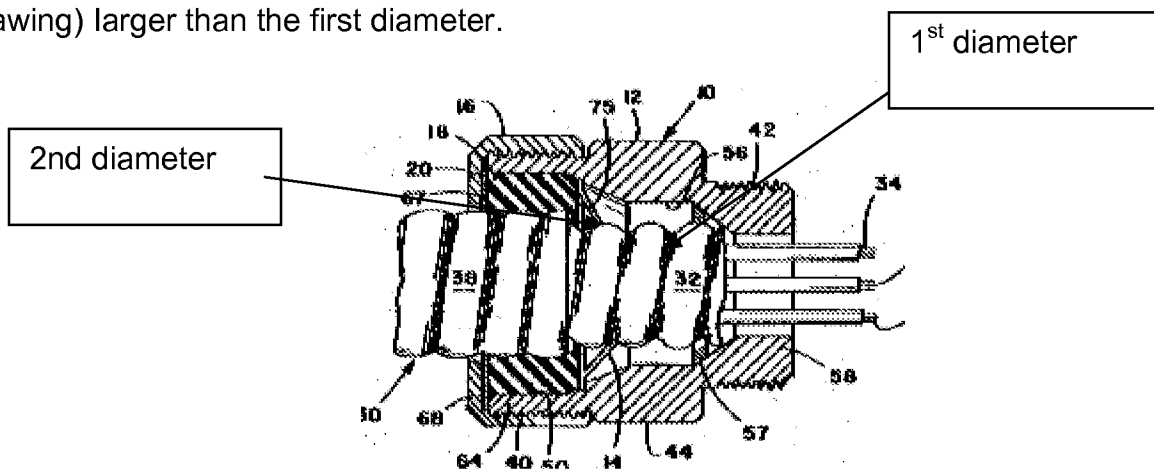
12-1984

### (9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

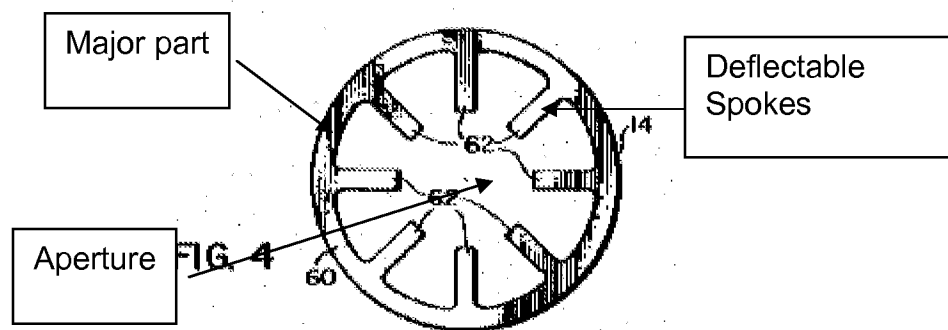
Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4490576 to Bolante et al.

The patent to Bolante et al. teaches an assemblage having an electrical connector (30) having a metal body (See Abstract) with a tubular projection having a push-through portion having a first diameter (smaller part of 32, See marked drawing below) and an engaging portion having a second diameter (larger part of 32, See drawing) larger than the first diameter.



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Bolante et al. also teaches a metal support (14) having a major part (60, See Drawing Below) that is substantially rigid and includes an aperture formed by a plurality of deflectable spokes (62), which diverge away from the plane of the major part of the support, the aperture having a center opening with a third diameter greater than the first diameter and less than the second diameter, whereby the tubular projection push-through portion slides through the aperture and the spokes engage the second diameter of the engaging portion and mount the electrical connector with the support, wherein a stop (38) associated with the second diameter limits the amount of movement possible for the support.



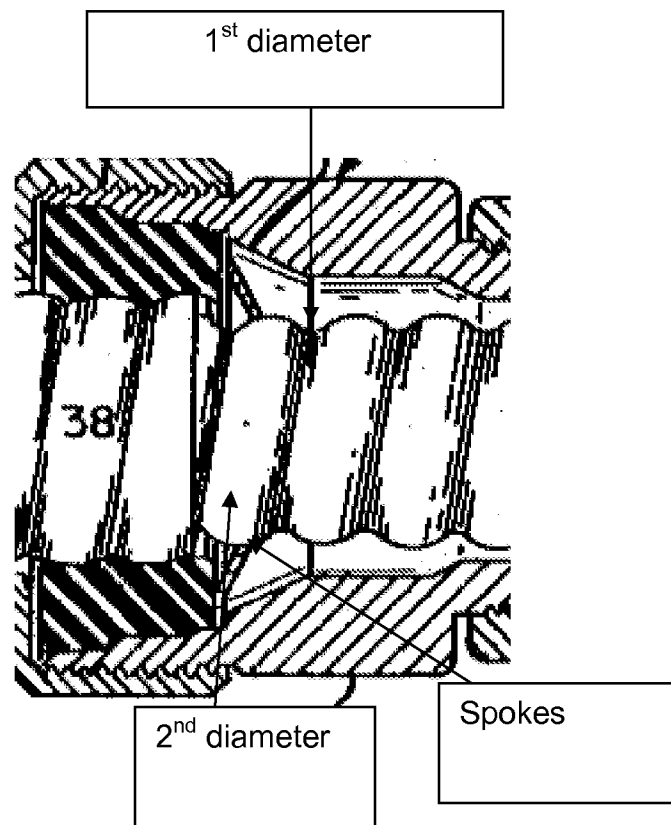
#### **(10) Response to Argument**

A. The rejection under 35 U.S.C 102(b) is proper because the Bolante et al. reference teaches a first and second diameter and wherein the spokes grasp the second diameter.

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The applicant has argued that the Bolante et al. reference teaches that the spokes grasp a first diameter rather than the claimed grasping of a second diameter larger than the first diameter. (See generally Appeal brief, page 6 lines 9-11).

This is not persuasive in that the applicant has mischaracterized the rejection. The first diameter of (30) is shown to be the smaller portion of 32. (See Below)



**Annotated Figure 5**

The second diameter is characterized as the larger part of 32, not the diameter of 38. (See Above).

Therefore, the Bolante et al. reference clearly teaches that the spokes (62) grasp the second diameter in the marked Figure 5 as shown above.

B. The rejection under 35 U.S.C 102(b) is proper because the Bolante et al. reference inherently teaches that the opening on the support (60) is larger than the first diameter after deflection and smaller than the second diameter pre-deflection.

The applicant has argued that the Bolante et al. reference does not meet the limitation that the opening of the support (as shown by 24, and 28 in the present application Figure 2) has a larger diameter than the first diameter and a smaller diameter than the second diameter. (See Appeal Brief, page 7, first full paragraph).

This is not persuasive because the Bolante et al. reference teaches these concepts inherently. In Figure 5 of Bolante et al. (See above), it is clearly shown that the imaginary circle defined by the deflected spokes are larger than the first diameter, the smaller portion of 32. (See Col. 3 lines 65-67 for spoke deflection discussion). Therefore, prior to deflection and in a non-deflected state, it is inherent that the spokes (62) will have created an imaginary circle diameter that is less than the deflected diameter. Since the spokes frictionally rest on the second diameter in a deflected state, it is clear that in a non-deflected state that the diameter of this imaginary circle created by the spokes will be less than the second diameter. This meets the second part of the limitation. It is important to note that claim has not directed whether the imaginary circle

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created by the spokes is defined by a deflected state or a non-deflected state and therefore it is valid to use either state to meet the limitations.

C. The rejection under 35 U.S.C 102(b) is proper because the Bolante et al. reference teaches a support with a substantially rigid major part.

The applicant has argued that the Bolante et al. reference does not teach a support with a substantially rigid major part. The applicant argues that the support (14) is a centering piece and therefore not a support. (See Appeal Brief, page 8 for both arguments below)

It is evident that the term “support” does not mean that it bears the entire weight of another element. Instead, any contact between two elements constitutes some support no matter how minute because any degree of positive force between objects is going to aid in a restive movement of the other element, even if that resistive force is very small. The fact that the applicant admits that the support (14), as described by Bolante et al., centers the electrical connector (32, 38) shows that the elements are in contact with each other and thereby exerting a positive force on each other. This clearly meets the broad term of being a support.

Also, the applicant has argued that and that because the major part is spring temper sheet metal, which has a thin outer rim, that it cannot be considered substantially rigid.

It is evident that any solid matter including this thin rim could be considered rigid. The reason is that the term is a relative term, having little meaning outside of a



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comparison. For example, egg white may be considered rigid, when formed into a meringue, yet not rigid in their natural state. Yet egg whites formed into a meringue may not be considered rigid when compared to the pie tin. Therefore, the claim being devoid of any comparison to further define how rigid the device must be to meet the limitation, the term must be construed in its absolute broadest form. And it is clear that even a thin metal ring meets the broadest form of the limitation.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Amy J. Sterling/  
Primary Examiner, Art Unit 3632  
6/11/09

Conferees:

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Conferee